



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

FEB 24 2015

REPLY TO THE ATTENTION OF:

SC-5J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Saginaw Development LLP  
Mr. Richard Menke, Owner  
c/o Scott M. Watson, Esq.  
Warner Norcross & Judd LLP  
900 Fifth Third Center, 111 Lyon Street, N.W.  
Grand Rapids, Michigan 49503

Re: Request for Information Pursuant to Section 104(e) of CERCLA regarding the Baker Perkins Site, located in Saginaw, Saginaw County, Michigan  
Site Spill Identification Number: C51X

Dear Mr. Menke:

This letter seeks the cooperation of Richard Menke in providing financial information and documents relating to the Baker Perkins (BP) Site located at 1010 Hess Avenue in Saginaw, Saginaw County, Michigan.

On September 18, 2014 U. S. Environmental Protection Agency issued a General Notice Letter to Saginaw Development LLP. On October 3, 2014 Saginaw Development LLP responded to the letter and asserted inability to pay for the cleanup at the BP Site. EPA is seeking financial information to conduct an ability to pay analysis to make a determination whether Saginaw Development LLP is financially able to fund the cleanup at the BP Site.

EPA makes this request under Section 104(e) (2) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) which gives EPA the authority to assess the threats to human health and the environment posed by contaminated sites and to clean up those sites. Under CERCLA, EPA has information-gathering authority that allows the Agency to require persons and corporations to furnish information and documents. Enclosure 1 is a summary of the Agency's legal authority under CERCLA.

We encourage you to give this matter your immediate attention. Instructions to guide you in the preparation of the response are provided in Enclosure 2. Definitions of the terms contained in the Information Request are provided in Enclosure 3. The questions to the Information Request are found in Enclosure 4. You are required by law to provide a complete and truthful response to this

Information Request and its questions and provide all requested documents. EPA requests that you respond to this Information Request and provide requested documentation within fifteen (15) days of your receipt of this letter.

You may consider the information that EPA is requesting confidential. Under CERCLA, you may not withhold information on that basis, but you may ask EPA to treat the information as confidential. To request that the Agency treat your information as confidential, you must follow the procedures outlined in Enclosure 5, including the requirement that you support your claim for confidentiality.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully to each question within this Information Request and within the prescribed time frame can result in an enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA, 42 U.S.C. § 9604(e)(5). Failure to respond and failure to justify the non-response can result in similar action under this Section. Further, Section 104(e)(5) authorizes the United States to seek penalties from a federal court of up to \$37,500 for each day of continued non-compliance. EPA considers non-compliance to be not only failure to respond to the Information Request, but also failure to respond completely and truthfully to each question in the Information Request.

The provision of false, fictitious or fraudulent statements or misrepresentations may subject you to criminal penalties of up to \$10,000 or up to five years imprisonment, or both, under 18 U.S.C. § 1001.

EPA has the authority to use the information that it requests in an administrative, civil, or criminal action.

This Information Request is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501, *et seq.*

Return the response to EPA within fifteen (15) days of receipt of this Information Request. Mail the response to:

Fouad Dababneh, Enforcement Specialist  
U.S. Environmental Protection Agency  
Superfund Division, Enforcement and Compliance Assurance Branch  
77 West Jackson Boulevard, SE-5J  
Chicago, Illinois 60604-3590

If you have any legal questions, please call Thomas Turner, Associate Regional Counsel, at (312) 886-6613, e-mail [turner.thomas@epa.gov](mailto:turner.thomas@epa.gov). If there are technical questions about this Site, call Tricia Edwards, On Scene Coordinator, at (734) 692-7687, e-mail [edwards.tricia@epa.gov](mailto:edwards.tricia@epa.gov). Address all other questions to Fouad Dababneh, Enforcement Specialist, at (312) 353-3944, e-mail [dababneh.fouad@epa.gov](mailto:dababneh.fouad@epa.gov).

We appreciate your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink that reads "Lawrence Schmitt". The signature is written in a cursive, flowing style.

Lawrence Schmitt, Acting Chief  
Enforcement and Compliance Assurance Branch

Enclosures

1. Legal Authority
2. Instructions
3. Definitions
4. Questions
5. Confidential Business Information
6. EPA Financial Statement for Individuals
7. Business Organization Ability To Pay Claim

Enclosure 1

DESCRIPTION OF LEGAL AUTHORITY

The federal Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. § 9601, *et seq.* (commonly referred to as CERCLA) gives EPA the authority to, among other things: 1) assess contaminated sites; 2) determine the threats to human health and the environment posed by each site; and 3) clean up those sites.

Under Section 104(e)(2) of CERCLA, 42 U.S.C. § 9604(e)(2), EPA has broad information gathering authority which allows EPA to require persons to furnish information or documents relating to the:

- A. Identification, nature, and quantity of materials which have been or are generated, treated, stored, or disposed of at a vessel or facility, or stored or transported to a vessel or facility;
- B. Nature or extent of a release or threatened release of a hazardous substance or pollutant or contaminant at/or from a vessel or facility; and
- C. Ability to pay the costs of the clean-up.

Compliance with this Information Request is mandatory. Failure to respond fully and truthfully to each question within this Information Request and within the prescribed time frame can result in an enforcement action by EPA pursuant to Section 104(e)(5) of CERCLA. This Section also authorizes an enforcement action with similar penalties if the recipient of the Request does not respond and does not justify the failure to respond. Other statutory provisions (18 U.S.C. § 1001) authorize separate penalties if the responses contain false, fictitious or fraudulent statements. EPA has the authority to use the information requested in this Information Request in an administrative, civil or criminal action.

Enclosure 2

INSTRUCTIONS

1. Answer each of the questions in this Information Request separately.
2. Precede each answer with the number of the question to which it corresponds.
3. In answering each question, identify all persons and contributing sources of information.
4. You must supplement your response to EPA if, after submission of your response, additional information should later become known or available. Should you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA as soon as possible.
5. For any document submitted in response to a question, indicate the number of the question to which it responds.
6. You must respond to each question based upon all information and documents in your possession or control, or in the possession or control of your current or former employees, agents, contractors, or attorneys. Information must be furnished regardless of whether or not it is based on your personal knowledge, and regardless of source.
7. Your response must be accompanied by the following statement, or one that is substantially equivalent:

I certify under a penalty of law that this document and all enclosures were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

Based upon my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

8. If any of the requested documents have been transferred to others or have otherwise been disposed of, identify each document, the person to whom it was transferred, describe the circumstances surrounding the transfer or disposition, and state the date of the transfer or disposition.
9. All requested information must be provided notwithstanding its possible characterization as confidential information or trade secrets. If desired, you may assert a business confidentiality claim by means of the procedures described in Enclosure 5.

### Enclosure 3

#### DEFINITIONS

As used in this letter, words in the singular also include the plural, and words in the masculine gender also include the feminine, and vice versa. All terms not defined herein will have their ordinary meaning, unless such terms are defined in CERCLA, RCRA, 40 C.F.R. Part 300 or 40 C.F.R. Parts 260 through 280, in which case, the statutory or regulatory definitions will apply.

1. The terms "and" and "or" shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of this request any information that might otherwise be construed to be outside its scope.
2. The term "arrangement" means every separate contract or other agreement between two or more persons, whether written or oral.
3. The term "documents" includes any written, recorded, computer-generated, or visually or aurally reproduced material of any kind in any medium in your possession, custody, or control, or known by you to exist, including originals, all prior drafts, and all non-identical copies.
4. The term "hazardous substance" shall have the same definition as that contained in Section 101(14) of CERCLA, and includes any mixtures of such hazardous substances with any other substances, including mixtures of hazardous substances with petroleum products or other nonhazardous substances.
5. The term "identify" means, with respect to a natural person, to set forth: (a) the person's full name; (b) present or last known business and home addresses and telephone numbers; (c) present or last known employer (include full name and address) with title, position or business. With respect to a corporation, partnership, or other business entity (including a sole proprietorship), the term "identify" means to provide its full name, address, and affiliation with the individual and/or company to whom/which this request is addressed.
6. The term "material" or "materials" shall mean any and all objects, goods, substances, or matter of any kind, including but not limited to wastes.
7. The term "person" shall include any individual, firm, unincorporated association, partnership, corporation, trust, or other entity.
8. The term "release" shall have the same definition as that contained in Section 101(22) of CERCLA, and includes any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including the abandonment or discharging of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant.
9. The term "BP Site" shall mean the parcel identified as 1010 Hess Avenue in Saginaw, Saginaw County, Michigan.

10. The terms "you" or "your company" or "Respondent" refer not only to the addressee of this letter as it is currently named and constituted, but also to all predecessors and successors in interest of the addressee, and all individual or corporate subsidiaries, divisions, affiliates, and branches of the addressee and its predecessors and successors, including partnerships and limited liability entities. For purposes of at least Information Request Question No. 9 (following), "you" also refers to owner Richard Menke.

Enclosure 4

QUESTIONS

1. Provide the following financial documentation regarding Saginaw Development LLP's ability to pay for the cleanup of the Baker Perkins Site: all audited financial statements from 2011 to the present, corporate and individual, for all of Saginaw Development LLP's present and past owners, operators, partners, and shareholders who are, or have been, active participants in the operation of the business. In addition, supply any and all income tax audits or audit adjustments for the years 2011 to the present.
2. Provide copies of tax returns (federal and state) for the officers and directors of Saginaw Development LLP for the last 3 years.
3. Provide all of the financial statements and profit and loss statements of Saginaw Development LLP for the time period 2011 through 2013.
4. For the last three years, list every tangible asset and, detailed asset by asset, its corresponding accumulated depreciation schedule or amortization or intangibles relating to these assets.
5. List the addresses and market value of all real estate and other property owned, optioned or leased. For each real estate and property listed, state the amount of any mortgage, the mortgage holder and its address, the mortgagee, the basis for the market value estimate, and the amount of last year's tax on the property.
6. Supply financial records which clearly show Saginaw Development LLP's financial position and the financial status of businesses which it owns privately or in partnership.
7. Identify whether you contend that you are unable to finance the response actions described in the accompanying letter. If so, please provide the following information:
  - a. Copies of all corporate federal income tax forms including all schedules and attachments filed by Saginaw Development LLP with the Internal Revenue Service for the last three years (if not already submitted to EPA);
  - b. Copies of financial records, including audited balance sheets, income statements, statements of changes in financial position, statements of changes in stockholders' equity for the time frame of 2011 to 2015 on the operation of Saginaw Development LLP and related corporations; and
  - c. Copies of the Corporate Minutes Book for Saginaw Development LLP.
8. Complete the enclosed form "EPA Financial Statement for Individuals" for Richard Menke See Enclosure 6.



9. Provide copies of all casualty, liability and/or pollution insurance policies, and any other insurance contracts referencing BP Site or facility (including, but not limited to, Environmental Impairment Liability, Pollution Legal Liability, Cleanup Cost Cap or Stop Loss Policies, Institutional Controls and Post Remediation Care Insurance). Include any and all policies providing Saginaw Development LLP with liability insurance relating to the Site property.
10. To the extent not provided in question 9 above, provide copies of all insurance policies that may potentially provide Saginaw Development LLP with insurance for bodily injury, property damage and/or environmental contamination in connection with the Site and/or business operations of Saginaw Development LLP. Include, without limitation, all comprehensive general liability, primary, excess, and umbrella policies.
11. To the extent not identified in questions 9 or 10 above, provide all other evidence of casualty, liability and/or pollution insurance issued to Saginaw Development LLP from 2011 to the present.
12. If there are any such policies from questions 9, 10, or 11 above of which you are aware but neither possess copies, nor are able to obtain copies, identify each such policy to the best of your ability by identifying the:
  - a. Name and address of each insurer and of the insured;
  - b. Type of policy and policy numbers;
  - c. Per occurrence policy limits of each policy; and
  - d. Effective dates for each policy.
13. Identify all insurance brokers or agents who placed insurance for Saginaw Development LLP from 2011 to the present, and identify the time period during which such broker or agent acted in this regard. Identify by name and title, if known, individuals at the agency or brokerage most familiar with the property, pollution and/or liability insurance program of Saginaw Development LLP and the current whereabouts of each individual, if known.
14. Identify all previous settlements by Saginaw Development LLP with any insurer that relates in any way to environmental liabilities and/or to the policies referenced in questions 9-13 above, including:
  - a. The date of the settlement;
  - b. The scope of release provided under such settlement;

- c. The amount of money paid by the insurer pursuant to such settlement; and
  - d. Provide copies of all such settlement agreements.
15. Identify all communications and provide all documents that evidence, refer, or relate to claims made by or on behalf of Saginaw Development LLP under any insurance policy referenced in questions 9-14 above. Include any responses from the insurer(s) with respect to any claims.
  16. Identify any and all insurance, accounts paid or accounting files that identify the insurance policies of Saginaw Development LLP.
  17. List all named insureds on property, pollution and/or casualty liability insurance providing coverage to Saginaw Development LLP from 2011 to the present, and the date such named insureds appear on the policies.
  18. Identify any person or organization requiring evidence of casualty, liability and/or pollution insurance of Saginaw Development LLP from 2011 to the present, including the nature of the insurance requirement and the years when the evidence was required.
  19. Provide audited monthly (or quarterly) income statements, balance sheets, and cash flow statements for the current year-to-date and the previous three years.
  20. Provide letter from Saginaw Development LLP head of business (e.g., CEO, CFO) describing specific effects of current market conditions on business operations e.g., employee layoffs, curtailed production schedule.
  21. Provide any financial information/analyses from relevant trade organizations demonstrating the impact of current economic conditions on the Saginaw Development LLP.
  22. Provide correspondence from financial institution(s) on status of Saginaw Development LLP lines of credit.
  23. Provide current credit ratings and bond ratings from rating companies such as Moody's, Standard & Poor's or Fitch.
  24. Identify the document retention policy of Saginaw Development LLP's policy with respect to document retention.
  25. Complete the enclosed form "Business Organization Ability to Pay Claim" for Saginaw Development LLP. See Enclosure 7.

Enclosure 5

CONFIDENTIAL BUSINESS INFORMATION

You may consider some of the information confidential that the EPA is requesting. You cannot withhold information or records upon that basis. The regulations at 40 C.F.R. Part 2, Section 200, *et seq.*, require that EPA affords you the opportunity to substantiate your claim of confidentiality before the Agency makes a final determination on the confidentiality of the information.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 C.F.R. § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent and only by means of the procedures set forth in 40 C.F.R. Part 2, Subpart B. (See 41 *Federal Register* 36902, *et seq.* (September 1, 1976); 43 *Federal Register* 4000, *et seq.* (December 18, 1985).) If no such claim accompanies the information when EPA receives it, the information may be made available to the public by the Agency without further notice to you. Please read carefully these cited regulations, together with the standards set forth in Section 104(e)(7) of Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), because, as stated in Section 104(e)(7)(ii), certain categories of information are not properly the subject of a claim of confidential business information.

If you wish EPA to treat the information or record as "confidential," you must advise EPA of that fact by following the procedures described below, including the requirement for supporting your claim of confidentiality. To assert a claim of confidentiality, you must specify which portions of the information or documents you consider confidential. Please identify the information or document that you consider confidential by page, paragraph, and sentence. You must make a separate assertion of confidentiality for each response and each document that you consider confidential. Submit the portion of the response that you consider confidential in a separate, sealed envelope. Mark the envelope "confidential" and identify the number of the question to which it is the response.

For each assertion of confidentiality, identify:

1. The period of time for which you request that the Agency considers the information confidential, e.g., until a specific date or until the occurrence of a specific event;
2. The measures that you have taken to guard against disclosure of the information to others;
3. The extent to which the information has already been disclosed to others and the precautions that you have taken to ensure that no further disclosure occurs;

4. Whether EPA or another federal agency has made pertinent determination on the confidentiality of the information or document. If an agency has made such a determination, enclose a copy of that determination;
5. Whether disclosure of the information or document would be likely to result in substantial harmful effects to your competitive position. If you believe such harm would result from any disclosure, explain the nature of the harmful effects, why the harm should be viewed as substantial, and the causal relationship between disclosure and the harmful effect. Include a description of how a competitor would use the information;
6. Whether you assert that the information is voluntarily submitted as defined by 40 C.F.R. § 2.201(i). If you make this assertion, explain how the disclosure would tend to lessen the ability of EPA to obtain similar information in the future; and
7. Any other information that you deem relevant to a determination of confidentiality.

Please note that pursuant to 40 C.F.R. § 2.208(e), the burden of substantiating confidentiality rests with you. EPA will give little or no weight to conclusory allegations. If you believe that facts and documents necessary to substantiate confidentiality are themselves confidential, please identify them as such so that EPA may maintain their confidentiality pursuant to 40 C.F.R. § 2.205(c). If you do not identify this information and documents as "confidential" your comments will be available to the public without further notice to you.

## INDIVIDUAL ABILITY TO PAY CLAIM

### Financial Data Request Form

This form requests information regarding your financial status. The data will be used to evaluate your ability to pay for environmental clean-up or penalties. If there is not enough space for your answers, please use additional sheets of paper. Note that we may request further documentation of any of your responses. We welcome any other information you wish to provide supporting your case, particularly if you feel your situation is not adequately described through the information requested here.

Note: If you are married, information about both your and your spouse's finances must be provided. If you believe any income, expenses, assets, and/or liabilities are strictly attributable to your spouse, please indicate by marking an "S" beside the appropriate figure.

### Certification

Under penalties of perjury, I declare that this statement of assets, liabilities, and other information is true, correct, and complete to the best of my knowledge and belief. I further understand that I will be subject to prosecution by the Environmental Protection Agency to the fullest extent possible under the law should I provide any information that is not true, correct, and complete to the best of my knowledge.

Signature

Date

Name:
Spouse's Name:
Address:
County of Residence:

**PART I. BACKGROUND INFORMATION**

**1. MEMBERS OF HOUSEHOLD (List the head of the household and all persons living with you)**

Name	Age	Relationship to Head of Household	Currently Employed?

**2. EMPLOYMENT (List all jobs held by persons in household)**

Name	Employer	Length of Employment	Annual Salary

**3. INCOME** (List all income earned by persons in household. If members of the household other than the applicant and spouse earn income, please itemize on separate page.)

Source	Gross (Pre-Tax)		Period of Payment (check one)			
	Applicant	Spouse	Weekly	Monthly	Quarterly	Yearly
Wages/Salaries						
Sales Commissions						
Investment Income (interest, dividends, capital gains, etc.)						
Net Business Income						
Rental Income						
Retirement Income (Pension, Social Security, etc.)						
Child Support						
Alimony						
Other Income (please itemize)						

# PART II. CURRENT LIVING EXPENSES

Please list personal living expenses which were typical during the last year and indicate if any of these values are likely to change significantly in the current year. Please do not include business expenses. If you are the owner of an operating business, please attachment any available financial statements.

Expense	Amount	Period of Payment (check one)				For Agency Use Only
		Weekly	Monthly	Quarterly	Yearly	
<b>A. Living Expenses</b>						
1. Rent						
2. Home maintenance						
3. Auto fuel maint./other transp.						
4. Utilities						
a. Fuel (gas,oil,wood,propane)						
b. Electric						
c. Water/sewer						
d. Telephone						
5. Food						
6. Clothing, personal care						
7. Medical costs						
<b>B. Debt Payments</b>						
1. Mortgage payments						
2. Car payments						
3. Credit card payments						
4. Educational loan payments						
<b>C. Insurance</b>						
1. Household insurance						
2. Life insurance						
3. Automobile insurance						
4. Medical insurance						
<b>D. Taxes</b>						
1. Property taxes						
2. Federal income taxes						
3. State income taxes						
4. FICA						
<b>E. Other Expenses</b>						
1. Childcare						
2. Current School tuition/expenses						
3. Legal or professional services						
4. Other (itemize on separate page)						
<b>Total Current Expenses</b>						



### PART III. NET WORTH

Please provide the following information to the best of your ability. Data should be as current as possible. Estimates are acceptable; if you wish note such items with an "E". If you are the sole proprietor of a business, please list business assets and liabilities, in addition to personal assets and liabilities. Please mark these entries with a "B" to identify them as business assets and liabilities.

<b>1. BANK ACCOUNTS (Checking, NOW, Savings, Money Market, CDs etc.)</b>		
Name of Bank or Credit Union	Type of Account	Current Balance
For Agency Use Only - Total Current Balance in Bank Accounts		

<b>2. INVESTMENTS (Stock, Bonds, Mutual Funds, Options, Futures, Real Estate Investment Trusts (REIT), etc.)</b>		
Investment	Number of Shares or Units	Current Market Value
For Agency Use Only - Total Current Market Value of Investments		

<b>3. RETIREMENT FUNDS AND ACCOUNTS (IRA, 401(k), Keogh, vested interest in company retirement fund, etc.)</b>	
Description of Account	Estimated Market Value
For Agency Use Only - Total Estimated Market Value of Retirement Funds and Accounts	

4. LIFE INSURANCE POLICIES (Whole Life, Universal Life, etc.)			
Policy Holder	Issuing Company	Policy Value	Cash Value
For Agency Use Only - Total Value of Life Insurance Policies			

5a. VEHICLES USED FOR COMMUTING PURPOSES (Cars, Trucks, Motorcycles, etc. Only list up to two vehicles used for commuting purposes.)		
Model	Year	Estimated Market Value
For Agency Use Only - Total Estimated Market Value of Vehicles		

5b. OTHER VEHICLES (Cars, Trucks, Motorcycles, Recreational Vehicles, Motor Homes, Boats, Airplanes etc.)		
Model	Year	Estimated Market Value
For Agency Use Only - Total Estimated Market Value of Vehicles		

6. PERSONAL PROPERTY (Household Goods and Furniture, Jewelry, Art, Antiques, Collections, Precious Metals, etc. Only list items with a value greater than \$500.00)	
Type of Property	Estimated Market Value
For Agency Use Only - Total Estimated Market Value of Personal Property	

<b>7a. REAL ESTATE — PRIMARY RESIDENCE (Home — List only one such residence.)</b>		
Location	Description of Property	Estimated Market Value
For Agency Use Only - Total Estimated Market Value of Real Estate		

<b>7b. OTHER REAL ESTATE (Land, Buildings, Land with Buildings)</b>		
Location	Description of Property	Estimated Market Value
For Agency Use Only - Total Estimated Market Value of Real Estate		

<b>8. OTHER ASSETS</b>	
Type of Asset	Estimated Market Value
For Agency Use Only - Total Other Assets	

9. CREDIT CARDS AND LINES OF CREDIT		
Credit Card/Line of Credit (Type)	Owed To	Balance Due
For Agency Use Only - Total Balance Due on Credit Cards and Lines of Credit		

10. VEHICLE LOANS (Cars, Trucks, Motorcycles, Recreation Vehicles, Motor Homes, Boats, Airplanes, etc.)				
Vehicle (Model and Year)	Owed To	Balance Due	Start Date	End Date
For Agency Use Only - Total Balance Due on Vehicle Loans				

11. FURNITURE AND HOUSEHOLD GOODS LOANS:				
List Item	Owed To	Balance Due	Start Date	End Date
For Agency Use Only - Total Balance Due on Furniture and Household Goods Loans				

12. MORTGAGES AND REAL ESTATE LOANS					
Type of Loan	Owed To	Property Secured Against	Balance Due	Start Date	End Date
For Agency Use Only - Total Balance Due on Mortgages and Real Estate Loans					

13. OTHER DEBT (Amounts due to individuals, Fixed obligations, Taxes Owed, Overdue Alimony or Child Support, etc.)				
Type of Debt	Owed To	Balance Due	Start Date	End Date
For Agency Use Only - Total Balance Due on Other Debt				

#### PART IV. ADDITIONAL INFORMATION

Please respond to the following questions. For any question that you answer "Yes," please provide additional information on separate pages or at the bottom of this page.

QUESTION		YES	NO
1.	Do you have any reason to believe that your financial situation will change during the next year?		
2.	Are you currently selling or purchasing any real estate?		
3.	Is anyone (or any entity) holding real or personal property on your behalf (e.g. a trust)?		
4.	Are you a party in any pending lawsuit?		
5.	Have any of your belongings been repossessed in the last three years?		
6.	Are you a Trustee, Executor, or Administrator?		
7.	Are you a participant or beneficiary of an estate or profit sharing plan?		
8.	Have you declared bankruptcy in the last seven years?		
9.	Do you receive any type of federal aid or public assistance?		

**BUSINESS ORGANIZATION  
ABILITY TO PAY CLAIM  
Financial Data Request Form**

This form requests information regarding your financial status. The data will be used to evaluate your ability to pay for an environmental cleanup or penalties. If there is not enough space for your answers, please use additional sheets of paper. Note that we may request further documentation of any of your responses. We welcome any other information you wish to provide supporting your case, particularly, if you feel your situation is not adequately described through the information requested here. If a particular question does not apply to your business, please indicate that it does not apply and give the reason. **Failure to answer all the questions clearly and completely may result in denial of your claim of inability to pay.**

Certification

Under penalties of perjury, I declare that this financial statement submitted by me as a responsible officer of the organization is a true, correct, and complete statement of all organization income and assets, real and personal, whether held in the company name or otherwise to the best of my knowledge and belief. I further understand that I will be subject to prosecution by the United States Government to the fullest extent possible under the law should I provide any information that is not true, correct, and complete to the best of my knowledge.

---

Signature

---

Date

---

Name (printed or typed)

---

Corporate Position

### Financial Data Request Form

(Use Additional Sheets Where Needed)

1. Business Name: \_\_\_\_\_ For Profit \_\_\_\_ Not for Profit \_\_\_\_

2. Business Address: \_\_\_\_\_  
Street

\_\_\_\_\_  
City State Zip

**NOTE: Attach Schedule of all Business Addresses**

3. Foreign \_\_\_\_\_ Domestic \_\_\_\_\_

4. Legal Form of Business Organization during the last three years.

\_\_\_\_ Corporation

\_\_\_\_ Subchapter S Corporation

\_\_\_\_ Partnership

\_\_\_\_ Proprietorship

\_\_\_\_ Trust

\_\_\_\_ Other: \_\_\_\_\_

5. State of Incorporation \_\_\_\_\_ Date of Incorporation \_\_\_\_\_

6. Name of Registered Agent: \_\_\_\_\_

7. Address of Registered Agent: \_\_\_\_\_  
Street

\_\_\_\_\_  
City State Zip

\_\_\_\_\_  
Phone



8. Name and address of principal stockholders and number of shares owned by each stockholder. (If more than 8 shareholders, list only those with 5 percent or more stock ownership). If your business is a partnership, list all partners and ownership percentage.

Total outstanding shares: \_\_\_\_\_

Name	Address	Shares
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		

9. A. Name and address of current, (and for previous three years), officers and number of shares held by each. For partnerships, list all partners for last three years.

Name	Address	Shares	Term

- B. Name and address of current, (and for previous three years), members of board of directors and number of shares held by each.

Name	Address	Shares	Term

10. Has this organization ever issued a prospectus for the sale of stock? Yes \_\_\_ No \_\_\_  
If yes, list date, number and type of shares for each prospectus during the last three years.

Date	Number of Shares	Type of Shares

11. A. Registration on international, national or local stock exchange(s). Give details, including date of registration and/or de-listing.

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

- B. Total authorized shares for each type issued and present market value per share on each type of stock (or book value if not actively traded)

Types of Shares	Total Shares	Book Value	Market Value
1.			
2.			
3.			
4.			

- C. Total outstanding shares of each type of stock currently being held as Treasury Stock.

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- D. Total outstanding shares of each type of stock.

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- E. Amount of bonded debt and principal bondholders.

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12. List states and municipalities to which taxes have been paid and/or are being paid. Describe nature and amount of such taxes, state most recent year of payments thereof and whether tax payments are current.

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13. Has this organization filed United States income tax returns during the last three years?  
Yes \_\_\_\_\_ No \_\_\_\_\_

To what I.R.S. Office(s)

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What Years?

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Are Federal Taxes current? Yes \_\_\_\_\_ No \_\_\_\_\_

Provide **SIGNED** Federal income tax returns and **ALL** associated schedules for the following years:

2007 2006 2005

14. Name and address of:

A. Organization's Independent Certified Public Accountants

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B. Organization's Attorney(s) presently and during the past three years.

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15. Has this organization filed financial forms with any organization or government entity? List name(s) of organization or entity, date and type of financial form.

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16. Does this organization have a Profit and Loss Statement and Balance Sheet for the most recent calendar or fiscal year and for specified past years? Past Years:

2007 2006 2005

Submit one copy of each. (Audited documents are preferred.)

16. A. Assets

		2007	2006	2005
<u>Cash</u>	\$			
<u>Securities</u>	\$			
<u>Facilities</u>	\$			
<u>Depreciation</u>	\$			
<u>Equipment</u>	\$			
<u>Depreciation</u>	\$			
<u>Inventory</u>	\$			
<u>Accounts Receivable</u>	\$			
<u>Other</u>	\$			
<u>TOTAL ASSETS</u>	\$			

B. Liabilities and Stockholder's Equity

Liabilities

		2007	2006	2005
Loans Principal	\$			
Monthly Payment	\$			
Mortgages Principal	\$			
Monthly Payment	\$			
Accounts Payable	\$			
Deferred Taxes	\$			
Insurance Premiums	\$			
Other	\$			

Stockholder's Equity

Common Stock	\$			
Paid-in Capital	\$			
Retained Earnings	\$			
TOTAL LIABILITIES & EQUITY	\$			

17. Loans Payable:

A.

Owed to:	Purpose:
Term:	Interest Rate:
Collateral:	Cosigner:
Monthly Payments:	
Original Amount:	Date:
Present Balance	

B.

Owed to:	Purpose:
Term:	Interest Rate:
Collateral:	Cosigner:
Monthly Payments:	
Original Amount:	Date:
Present Balance	

C.

Owed to:	Purpose:
Term:	Interest Rate:
Collateral:	Cosigner:
Monthly Payments:	
Original Amount:	Date:
Present Balance	

D.

Owed to:	Purpose:
Term:	Interest Rate:
Collateral:	Cosigner:
Monthly Payments:	
Original Amount:	Date:
Present Balance	

18. Mortgages Payable:

A.

Owed To:	Address of Property:
Term:	Interest Rate:
Collateral:	Cosigner:
Monthly Payments:	
Original Amount:	Date:
Present Balance:	

B.

Owed To:	Address of Property:
Term:	Interest Rate:
Collateral:	Cosigner:
Monthly Payments:	
Original Amount:	Date:
Present Balance:	

C.

Owed To:	Address of Property:
Term:	Interest Rate:
Collateral:	Cosigner:
Monthly Payments:	
Original Amount:	Date:
Present Balance:	

D.

Owed To:	Address of Property:
Term:	Interest Rate:
Collateral:	Cosigner:
Monthly Payments:	
Original Amount:	Date:
Present Balance:	

19. Income/Expenses:

Gross Income		2007	2006	2005
Net Sales	\$			
Interest Income	\$			
Dividends	\$			
Other	\$			

Operating Expenses

Wages	\$			
Overhead	\$			
Lease Payments	\$			
Interest Expense	\$			
Cost of Sales	\$			
Net Income	\$			

20. In addition, provide the following firm size information:

	2007	2006	2005
Number of Employees			
Size of Warehouse(s)			
Volume Shipped			
Other			

21. Does this organization maintain bank accounts? Give names and addresses of banks, savings and loan associations, and other such entities, within the United States or located elsewhere.

A. Checking

Name of Bank	Address of Bank	Account #	Balance



B. Savings/Certificate of Deposit

Name of Bank	Address of Bank	Account #	Balance

C. Other Accounts

Name of Institution	Address of Institution	Account #	Balance

D. Savings & Loan Associations or other such entities

Name of Institution	Address of Institution	Account #	Balance

E. Trust Account(s)

Name of Institution	Address of Institution	Account #	Balance

F. Other Account(s)

Name of Institution	Address of Institution	Account #	Balance

22. List all commercial paper, negotiable or nonnegotiable, in which the organization has any interest whatsoever, presently in transit or in the possession of any banking institution. Describe such paper and the organization's interest therein, and state its present location. List all loans receivable in excess of \$10,000.00 and specify if due from an officer, stockholder, or director.

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23. Has this organization engaged in any Joint Loan Agreements, including Letters of Credits, with any other organization(s)? If yes, describe all such agreements.

24. Does this organization have any debt coinsured by another organization? If yes, describe such arrangements.

25. List all equity participation in other organizations, both domestic and foreign, in which this organization has an interest, including the type, amount and terms of such interest.

26. List all debt participation in other organizations, both domestic and foreign, in which this organization has an interest, including the type, amount and terms of such interest.

27. Is this organization presently:

A. Active

(Answer No for inactive, but still in existence) Yes \_\_\_\_\_ No \_\_\_\_\_

B. Void and/or terminated by State authority. Yes \_\_\_\_\_ No \_\_\_\_\_

C. Otherwise dissolved Yes \_\_\_\_\_ No \_\_\_\_\_

1. Date \_\_\_\_\_

2. By Whom \_\_\_\_\_

3. Reason \_\_\_\_\_

28. A. List corporate salaries, bonuses to and/or drawings of the following personnel for the last three taxable years:

Name	Position/Title	2007	2006	2005
	President			
	Vice President			
	Chairman/Board			
	Secretary			
	Treasurer			

B. List the five most highly compensated employees or officers other than the above, describe position and list annual salary and/or bonus for the last three taxable years:

Name	Position/Title	2007	2006	2005

C. Describe the nature of the compensation paid to the persons listed in (A) and (B) above and set forth any stock options, pensions, profit sharing, royalties, or other deferred compensation rights of said persons.

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29. List the organization's commercial activity, (fields of activity resulting in income), and SIC Code.

	<u>Commercial Activity</u>	<u>SIC Code</u>
Primary	_____	_____
Other 1.	_____	_____
Other 2.	_____	_____
Other 3.	_____	_____

30. List all other supplementary fields of activity in which this organization is engaged, either directly, through its affiliates, stating the name(s) and states(s) of incorporation of such subsidiaries or affiliates:

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31. Has this organization at any time been the subject of any proceeding under the provisions of any State Insolvency Law, or the Federal Bankruptcy Act, as amended? If so, supply the following information as to each proceeding:

A. Date (Commencement)

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B. Date (Termination)

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C. Discharge or other disposition, if any, and operative effect thereof:

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D. State Court \_\_\_\_\_ Docket No. \_\_\_\_\_

County

E. Federal Court \_\_\_\_\_ Docket No. \_\_\_\_\_

County

32. A. List all real estate, and personal property of an estimated value in excess of \$ 10,000.00 owned or under contract to be purchased by this organization with names and addresses of seller and contract price and where located:

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33. List and describe all judgments, recorded and unrecorded, this organization is a party of:

A. Against the organization

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B. In favor of the organization

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34. List and describe all other encumbrances (including but not limited to security interest, whether perfected or not) against any such personal property owned by the organization as is listed in 32 (A) above.

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35. List all life insurance, now in force on any or all officers, directors, and/or "key" employees, setting forth face amounts, names of life insurance companies and policy numbers where this organization has an "insurable interest" and/or paying the premium or part of same. Where applicable, indicate under which policy(s) this organization is a beneficiary, type of policy(s) this organization is a beneficiary, yearly premium, and location of policy(s). In addition, state the cash value if any and the conditions of any borrowing options available under each policy.

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36. For the following types of policies, list all primary and excess insurance policies, the deductible amount, the per occurrence and aggregate coverage limit for each policy.

A. Comprehensive General Liability

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B. Environmental Impairment Liability

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C. Other policies for which coverage might apply including participation in risk retention pools.

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Other

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37. List all transfers of assets (real and/or personal) over \$10,000.00 made by this organization, OTHER THAN IN THE ORDINARY COURSE OF BUSINESS, during the last three calendar years and state to whom transfer was made. Describe compensation paid by recipient and to whom.

Date	Value	Property Transferred	To Whom	Compensation Paid

38. Is this business organization a party in any law suit now pending?

Yes (Give details below) \_\_\_\_\_ No \_\_\_\_\_

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39. List names and addresses of any persons or other business entity holding funds in escrow or in trust for this organization, or any of its subsidiaries or affiliates.

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40. Other information requested:

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